IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 12TH JUNE 2007 / 22ND JYAISHTA 1929

WP(C).No. 31931 of 2003(B)

PETITIONER:

MADHAVAN EZHUTHASSAN, S/O.VELAYUDHAN EZHUTHASSAN, VELUTHANGATH HOUSE, THOTTIPPAL VILLAGE, NEDUMBAL DESOM, MUKUNDAPURAM TALUK.

BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN

RESPONDENT:

PARAPPOOKKARA GRAMA PANCHAYATH, REP. BY SECRETARY, PARAPPOOKKARA GRAMA PANCHAYATH, NANDHIKARA, MUKUNDAPURAM TALUK.

BY ADV. SRI.T.M.CHANDRAN
SRI.S.SUJITH

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 12/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 – TRUE COPY OF ORDER OF ADDL. MUNSIFF OF IRINJALAKUDA IN I.A.3037/01 IN O.S.790/92

EXT.P2 – TRUE COPY OF JUDGMENT IN CMA.15/02 OF SUB COURT, IRINJALAKUDA.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

.....

W.P.(C)No.31931 OF 2003

.....

DATED THIS THE 12TH JUNE, 2007

J U D G M E N T

Even though Ext.P1 order of the learned Munsiff and Ext.P2 judgment of the learned Sub Judge are defended very emphatically by Sri.T.M.Chandran, counsel for the Panchayat, I am of the view that the courts below should have allowed the application for restoration imposing terms.

2. Under these circumstances, setting aside Exts.P1 and P2, I allow I.A.No.3037 of 2001 in O.S.790 of 1992 on condition that the petitioner pays a sum of Rs.5000/- by way of costs to the respondent-Panchayat, which can be paid either directly or through the counsel for the Panchayat in this Court, and on a further condition that the petitioner pays a sum of Rs.1000/- to the High Court Legal Services Committee. Both the payments as directed above shall be made by the petitioner within one month from today. If payments are not made as directed above, the impugned orders will stand confirmed. If payments are made within the stipulated time, I.A.3037 of 2001 will stand allowed. Once payments are made and the order allowing I.A.3037 of 2001 becomes operative, the learned Munsiff will take up the question of maintainability of the suit as a preliminary issue, hear

the parties and give a verdict on that issue first.

The Writ Petition is disposed of as above.

(PIUS C.KURIAKOSE, JUDGE)

tgl